

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #15	CCRB Case #: 202003870	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 06/01/2020 6:22 PM	Location of Incident: Albany Avenue and Dean Street	Precinct: 77	18 Mo. SOL 12/1/2021	EO SOL 5/4/2022	
Date/Time CV Reported Wed, 06/03/2020 5:01 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 06/03/2020 5:01 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Abuse: An officer threatened individuals with the use of force.	
B. An officer	Discourtesy: An officer spoke discourteously to individuals.	

## Case Summary

On June 3, 2020, § 87(2)(b) and § 87(2)(b) filed duplicate complaints with the CCRB via the website. § 87(2)(b) also filed a duplicate complaint that day with the CCRB via the Call Processing System. Neither § 87(2)(b) nor § 87(2)(b) witnessed this incident.

On June 1, 2020, officers were using the NYPD's Citywide-1 radio frequency to coordinate the police response to the police brutality protests taking place that evening. An unidentified group of reporters were monitoring the frequency as part of their coverage of the protests. At approximately 6:22 p.m., the reporters heard a transmission go over the radio, stating, "Shoot the motherfuckers." Another transmission was also heard, stating, "Run them over" (**Allegation A: Abuse of Authority – Threat of force, § 87(2)(g); Allegation B: Discourtesy – Word, § 87(2)(g)**).

This complaint resulted from the 2020 police brutality protests. This incident was added to the agency's list of sensitive cases due to media coverage (Board Review #01).

This incident took place over a police radio frequency. There is therefore no video footage directly depicting the incident.

## Findings and Recommendations

**Allegation (A) Abuse of Authority: An officer threatened individuals with the use of force.**  
**Allegation (B) Discourtesy: An officer spoke discourteously to individuals.**

## Known Facts and General Descriptions

On June 9, 2020, § 87(2)(b) and § 87(2)(b) were contacted via telephone. Both stated that they did not hear the transmissions in question over the radio and were only made aware of it through social media and press articles. The investigation was unable to contact § 87(2)(b) (Board Review #02).

A review of news articles generated about the incident found articles posted to Gothamist, the Intercept, and TMZ (Board Review #01). The articles stated that the incident occurred at approximately 6:20 p.m. on June 1, 2020 over an unspecified police radio frequency. The TMZ article, which § 87(2)(b) forwarded to the CCRB, included a video of an audio clip being played, in which officers are heard discussing a group of protesters at the intersection of Albany Street and Dean Street in Brooklyn, which is located within the confines of the 77<sup>th</sup> Precinct. A voice then states, "Run them over," and, "Shoot those motherfuckers." A copy of this video is attached in IA #10 (Board Review #03).

§ 87(2)(b) stated that she learned about the incident based on Twitter posts made by § 87(2)(b). The CCRB Communications contacted § 87(2)(b) via Twitter and obtained her telephone number. During a telephone call on June 19, 2020, § 87(2)(b) explained that she and several § 87(2)(b) were monitoring the NYPD's Citywide-1 radio frequency during the incident using an online service called Broadcastify that allows citizens to listen to police radio frequencies. She stated that members of the group heard a voice state, "Run them over," and "Shoot those motherfuckers" over the Citywide-1 radio frequency. She did not know who heard the statements live or flagged them for the rest of the group. § 87(2)(b) noted that the two statements were made separately and were not part of the same utterance. She stated that the video posted in the TMZ article had edited the two remarks together, making it seem as if they were made at the

same time. § 87(2)(b) did not know how much time passed between the two statements.

§ 87(2)(b) posted two video clips to the Broadcastify audio feed to her Twitter account at 6:29 p.m. on June 1, 2020. Copies of the two clips were downloaded and attached in IAs #56-57 (Board Review #04-05). Each of the videos shows an audio clip being played on § 87(2)(b)'s cell phone. § 87(2)(b) denied that they were edited in any way. She did not know when the clips were recorded, but stated that they were taken at approximately the same time that she posted them

In the first clip, an unidentified officer informs the dispatcher that a group of protesters is blocking a group of police vehicles trying to drive through the intersection of Albany and Dean Street. A male voice then states, "Run them over." The dispatcher then states, "1900." In the second clip, an unidentified officer reports that there is a group of protesters in the 77<sup>th</sup> Precinct moving towards the Barclays Center. When the dispatcher asks for the group's location, a male voice states, "Shoot those motherfuckers." Another male voice states, "Don't put that over the air." The dispatcher then states, "1822 hours, no unauthorized, no unauthorized."

§ 87(2)(b) also sent a link to an online repository that she and § 87(2)(b) had been using to upload audio recordings that they made of police radio transmissions during the protests. The repository did not indicate who uploaded the audio files. The repository included the two clips § 87(2)(b) had posted to Twitter. The first recording was labeled as "6/1/2020\_10pm\_runthemover," while the second recording was labeled as "6/1/2020\_6pm\_shootthatmotherfucker." Besides the file names, there was no other indication of when they were recorded.

Further review of the repository found a third recording, labeled as "6/1/2020\_7pm\_orderingmcdonaldsonradio." Based on the dates provided in the file names, it was the only other recording made by the group on June 1, 2020. A copy of this recording is attached in IA #73 (Board Review #06). In it, the dispatcher attempts to hail an officer at the intersection of Albany Street and Dean Street. A male voice then states, "Can I get the two cheeseburger meal with a large soda? Diet." The dispatcher again hails the officer. The male voice then states, "Know what? Cancel that. Let me get the double, uh, yeah, uh, with a... and an extra burger on the side. A regular cheeseburger. Which one's yours? Oh, hello? One more thing, you ready? Can I get two with bacon?" Another voice asks if that transmission can be blocked. The first male voice then states, "More bacon."

### **BWC**

No BWC was obtained from this incident.

### **NYPD Documents Reviewed**

NYPD radio traffic is divided into several different frequencies, each used for a different purpose. The most common frequencies used are for local radio traffic, where individual units are assigned to respond to 911 calls and other events within a cluster of adjoining precincts. In addition to these precinct-level frequencies, there are citywide frequencies that are used to coordinate large-scale police activity. The Citywide-1 frequency is one of these.

The investigation obtained a recording of the Citywide-1 frequency from IAB Group 34. The recording covers the period between 6:20 p.m. and 6:26 p.m. on June 1, 2020. It is attached in IA #106 and summarized in IA #107 (Board Review #07-08). Throughout this section of the recording, various voices describe the activities of several different groups of protesters. The locations of these groups spread across lower Manhattan and northern Brooklyn. The recording does not appear to

include the voice of a dispatcher. At 2:40 into this recording, a female voice states that there is a group of protesters at the intersection of Albany Street and Dean Street in Brooklyn heading towards the Barclays Center. At 2:49 into the recording (corresponding to 6:22 p.m.), a male voice states, “Run them over.” This appears to be the same exchange found in § 87(2)(b)'s recording in IA #57, though the dispatcher's voice is not heard. The second remark, “Shoot those motherfuckers,” is not heard in the recording.

The investigation made several requests to the NYPD Communications Division to obtain a longer copy of the Citywide-1 radio frequency recording from June 1, 2020. It took the Communications Division several months to respond to these requests. The Communications Division initially provided recordings of the local radio frequency for the 77<sup>th</sup> Precinct, covering the period between 7:00 p.m. and 8:00 p.m. This recording is attached in IA #80 (Board Review #09). A review of this recording found no voices stating, “Shoot those motherfuckers,” or, “Run them over.”

A subsequent request was made, specifically requesting the recording from the Citywide-1 frequency be provided. After several months of delays, the Communications Division provided a second recording, attached in IA #90 (Board Review #10). On review, however, it was found to be a slightly longer copy of the 77<sup>th</sup> Precinct recording obtained previously. The longer version did not include either of the statements in question either. When the error was pointed out to the Communications Division, they provided a third recording, attached in IA #93 (Board Review #11). While the recording did come from the Citywide-1 frequency, it covered an unrelated period between 3:00 p.m. and 5:00 p.m. on June 1, 2020, rather than the time requested. A review of this recording found neither of the offending remarks.

When the error was again brought to the Communications Division's attention, they provided a second clip from the Citywide-1 footage, attached in IA #96 (Board Review #12). Due to a typo in the request, however, the footage was obtained covering between 7:00 p.m. and 8:00 p.m. on June 1, 2020, not 6:00 p.m. and 8:00 p.m. A review of this footage found neither of the offending remarks, though the exchange in which a voice is heard apparently ordering fast food (which was found in the audio clip posted to the journalists' repository) was recorded at approximately 7:05 p.m. over the Citywide-1 frequency. This recording also included discussion of the group of protesters at the intersection of Albany Street and Dean Street.

Another request was submitted to the Communications Division to obtain the Citywide-1 recording for the corrected time. Due to the previous delays, however, the relevant recordings were found to have been deleted and were therefore no longer available.

IAB Group 34 contacted the Electronics Section of the NYPD's Life-Safety Systems Division, which is responsible for operating the NYPD's radio system. Certain models of NYPD radios used in the field have unique identifiers. Not all police radios are equipped with this capability. The Electronics Section keeps a record of when the radios with unique identifiers broadcast. By comparing these records with police radio recordings, the Electronics Section can determine if any radios with unique identifiers were broadcasting at a given time.

On July 24, 2020, the Electronics Section reported to IAB that no radios with unique identifiers were broadcasting over the Citywide-1 frequency when the male voice stated, “Run them over” (Board Review #13).

### **Concurrent Investigations**

IAB Group 34 also conducted an investigation into these radio transmissions. On August 11, 2020,

IAB closed their investigation after they were unable to identify the individual who made the transmissions (Board Review #13).

**Disposition**

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

§ 87(2)(g)

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) or § 87(2)(b) has been a party (Board Review #14).

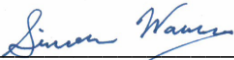
**Mediation, Civil, and Criminal Histories**

- This complaint was not suitable for mediation.
- As of November 20, 2020, the NYC Officer of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint.
- § 87(2)(b)

---

Squad: 15

Investigator: Owen Godshall Inv. Owen Godshall 9/8/2021  
Signature Print Title & Name Date

Squad Leader:  IM Simon Wang 09/16/21  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date